



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, January 30, 2008**

**6:30 p.m. Regular Meeting**

**Wing Rooms W118 and W119**

First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Ash Kalra, Chair**  
**Randi Kinman, Vice-Chair**

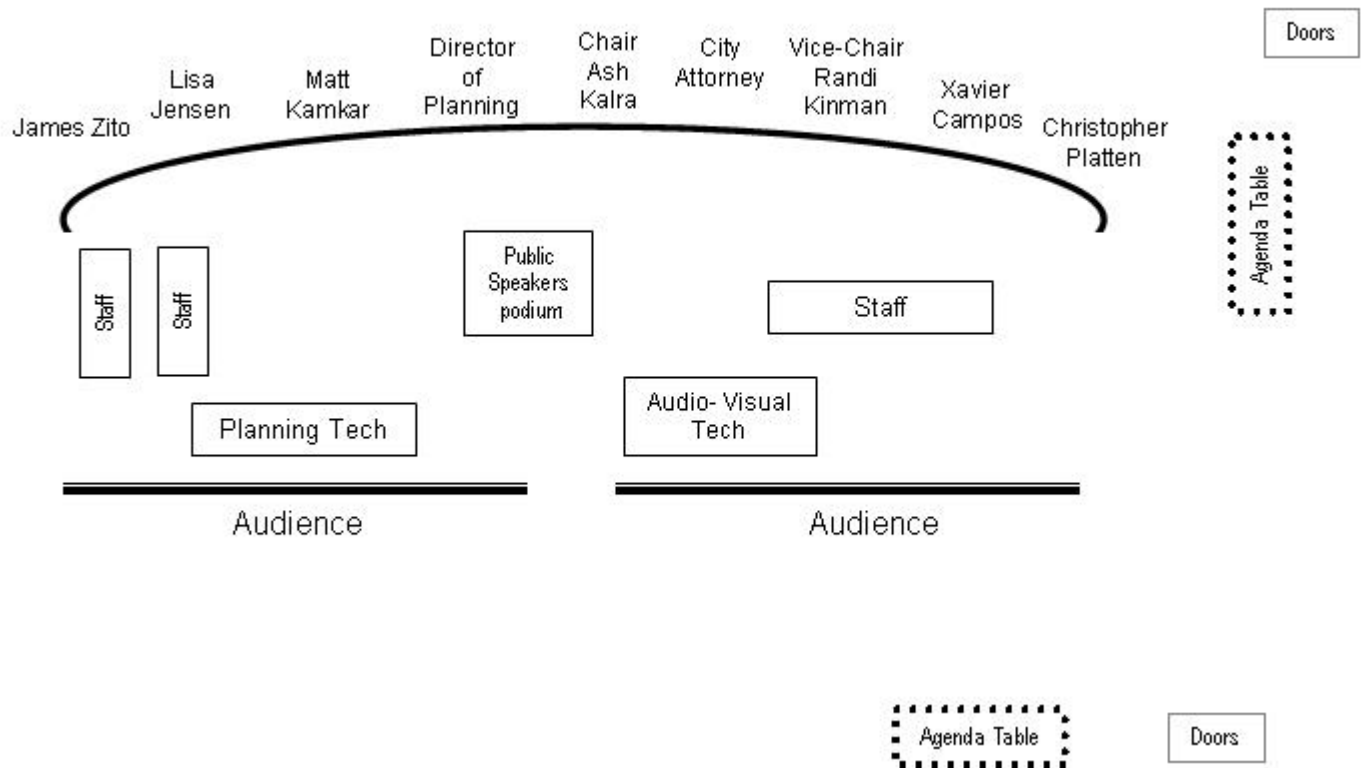
**Xavier Campos      Lisa Jensen**  
**Matt Kamkar      Christopher Platten**  
**Jim Zito**

**Joseph Horwedel, Director**  
**Planning, Building and Code Enforcement**

### **NOTE**

To listen to the audio recording of the planning Commission, please go to the Planning website at: [http://sanJosé.granicus.com/ViewPublisher.php?view\\_id=17](http://sanJosé.granicus.com/ViewPublisher.php?view_id=17)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanJoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanJoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: [http://sanJose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanJose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

*NONE.*

**3. CONSENT CALENDAR**

- a. **CP07-091 & ABC07-009**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale and on-sale of alcohol at a retail store (Beverages and More) on a 6.28 gross acre site in the CP Pedestrian Commercial Zoning District, located on northeast corner of Blossom Hill Road and Santa Teresa Blvd (871 BLOSSOM HILL RD)(Terra Nova Indust/Bob Taylor, Developer). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- b. **CP07-074**. Conditional Use Permit request to allow an entertainment establishment (Karaoke) to an existing legal non-conforming drinking establishment (Red Stag Lounge) on a 0.19 gross acre site in the CP Pedestrian Commercial Zoning District, located on the north side of West San Carlos Street, approximately 70 feet westerly of Menker Avenue (1711 W San Carlos St)(Barry and Linda Furtado, Trustee, owner). Council District: 6. SNI: Burbank/DelMonte. CEQA: Exempt. Deferred from 01/16/2008. *PROJECT MANAGER, S.MALLICK*

**DEFERRED TO 02-13-2008 (6-0-1; PLATTEN ABSENT)**

**4. PUBLIC HEARINGS**

- a. **Final Environmental Impact Report for Coleman Avenue-Autumn Street Improvement Project (File No.PP06-166)**. The project for which the EIR is being prepared will widen Coleman Avenue to six lanes between Hedding Street and Autumn Street, a distance of approximately 0.8 mile. This segment of Coleman Avenue is currently four lanes. North of Hedding Street, Coleman Avenue has recently been widened to six lanes as part of the I-880/Coleman Avenue Interchange Improvement Project. The project will widen, partially realign, and extend Autumn Street between Coleman Avenue and Park Avenue, a distance of approximately 1.1 miles. Autumn Street currently varies from two to three lanes and terminates north of Julian Street. Council Districts: 3 and 6. (SCH # 2007042035). Circulated October 17, 2007 to November 30, 2007. *PROJECT MANAGER, M.RHOADES*

**CERTIFIED ENVIRONMENTAL IMPACT REPORT (6-0-1; PLATTEN ABSENT)**

*Staff from the Department of Transportation(DOT) and Planning made a brief presentation on the project and the Environmental Impact Report. Commissioners asked for clarification on the disposition of historic buildings indicated to be moved for the roadway alignment, and for clarification on resulting status for properties where some roadway take might be needed. Staff clarified that the environmental clearance required historic houses be moved without altering their status or they would need to perform an additional supplemental impact report. Staff also clarified that any property where the City needed to take right-of-way for this project would have legal non-conforming status for setbacks if the resulting setbacks were less than currently required by code. Commissioner Zito moved to certify EIR.*

- b. The projects being considered are located between Los Esteros Road and Grand Blvd (675 Los Esteros Road)(Zanker Road Resource Mgt Ltd, Owner/Developer). Council District: 4. SNI: None. CEQA: Environmental Impact Report, pending. *PROJECT MANAGER, S.SAHA*

1) **FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ZANKER**

**MATERIALS RECYCLING FACILITY.** A Planned Development Zoning to allow construction of a 200,000 square foot Materials Recovery Facility (MRF) building and to relocate existing material recycling activities to the MRF building; increase in the peak daily tonnage received and processed from 1,250 to 5,000 tons; allow the acceptance, transfer off-site and the possible future screening and sorting of green/yard waste and municipal solid waste (MSW) including food waste inside the MRF building; relocate and expand the scale house facilities to accommodate the proposed increased daily tonnage; allow site operations to occur 24-hours per day, 7 days per week; use the surface of the existing landfill (after landfill closure) for ancillary operations such as employee parking, truck parking, temporary material storage, and/or a retail soil/materials yard and install new outdoor lighting at the facility.

**CERTIFIED ENVIRONMENTAL IMPACT REPORT (6-0-1; PLATTEN ABSENT)**

*The applicant made a brief presentation on the proposed project highlighting the benefits of moving recycling activities indoors, and stated that project was a component of the green/sustainable city strategy. Staff presented a summary of the EIR process to date, and explained mitigations for identified impacts and stated no impacts remained that were significant and unmitigated.*

*Commissioner Zito asked for clarification regarding alternatives in the EIR, and asked whether the reduced scale alternative would meet the City's objectives. Deputy Director of Environmental Services Department (ESD) responded that even without growth, the City needs additional capacity and that the reduced alternative might result in the City needing to have waste stream hauled long distances to central valley. ESD staff indicated that this enclosed facility could handle broadest range of waste, especially organics. In response to Commissioner Zito regarding the impact of a smaller expansion site, she indicated that although facility could handle other cities waste, hope would be for San José to contract for majority of capacity.*

*Commissioner Zito focused on two questions including; 1) Where will materials go if reduced facility is recommended, and 2) What will be the mix of materials handled at the facility. Commissioner Kamkar asked for clarification that the facility could pick its own mix of recycling and green waste and staff clarified nature of facility as private sector business and facility can decide within allowance of state permits.*

*In response to Commissioner Kinman, staff clarified changes to raise berm height and additional dense plantings in response to comments about headlights from trucks to mitigate their impact on the adjacent wildlife refuge.*

*Erik Schoennauer, the applicant's representative, commented that tonnage of different types of waste vary over the seasons, such as household green waste and construction debris in the summer. He also clarified effective height of 20 feet from the berm and landscaping for screening of truck headlights.*

*In the public testimony, representatives of Teamsters Local 350 stated concern about future increases in traffic volumes because of increase safety hazard to their truck driver members, and to cyclists. In response to Commissioner Zito about concern for increase in trips generally, or specifically on Zanker Road, the speakers indicated an interest in less new truck traffic on Zanker Road. The attorney for the teamster indicated the group supported the project but thought improvements needed to Zanker Road and representatives would be happy to work to develop ideas. A representative of the labor council also questioned whether the total truck volume could be accommodated on Zanker road. One area resident stated expansion of facility would negatively affect wildlife refuge with more lights and noise.*

*Several speakers associated with the Don Edwards Wildlife Refuge thanked staff for changes to project to better screen lights from refuge and asked for increased collaboration between the facility operators and refuge biologists in the future.*

*Many Alviso residents spoke in favor of the proposal, indicating City needs capacity and facility is a good neighbor and provides jobs for Alviso residents, and highlighting expansion is inside building, so good for refuge. Speakers said few bikes on Zanker Road because access to refuge is from First Street. Speakers praised facility operator for community involvement, but suggested more street lighting on Zanker Road.*

*An Alviso resident in a mobile home park stated support of project at full implementation, and said facility is good neighbor and stated no bike trail on Zanker, and commented school buses don't travel on Zanker Road, but come up First Street to the school. Bob Gross, a long time resident with water expertise, indicated that the Zanker company is respectful and responsible and works well with the Community, and is trustworthy and that the corporation has done good work with the community.*

*Applicant responded to concerns raised in testimony and highlighted that an EIR was prepared for broader analysis and public review, but could have been a Negative Declaration. He noted project has been modified to raise berm and plant native bushes, not trees, and to develop a vector management plan. The applicant highlighted access roads to refuge that are shorter and come through residential area, not industrial. He indicated errors in accident data, and noted future bay trail plan to be across the road from the facility on Water Pollution Control Plan (WPCP) side, and that the Zanker facility does not preempt trail. The applicant stated that goal should be to keep the recycling occurring in the same city as its generated in and that this project helps the city meet its Green Vision goals.*

*In response to Commissioner Jensen who noted community respect for client, the applicant indicated truck route would be on Zanker Road exclusively, and stated other uses on Zanker Road are landfills and WPCP. In response to Commissioner Jensen, applicant stated all facilities accept other city waste, but have longstanding commitment to City to work to accept city garbage, but only firmed up by contract. The applicant commented best customers are closest and 55% of county is San José. Commissioner Jensen said pleased to hear that Alviso Community is supportive and asked if Zanker would be willing to partner with Don Edward's Refuge and applicant stated 'yes, certainly', and already in a professional relationship and City will also ensure correct planting per the EIR.*

*Commissioner Jensen stated it was good that modification came to project after comments. In response to Commissioner Jensen related to gases from landfill, applicant commented closure will be done in conformance with state requirements. Commissioner Jensen noted possible power generation from methane gas and applicant indicated would explore possibility, but unknown about how much methane from items in landfill. Also in response to Commissioner Jensen, applicant indicated that Zanker Facility is exploring possibility of accessing recycled water and is already talking with ESD staff to get access.*

*In response to Commissioner Jensen comments about vector control at other landfills, and solar power applicant indicated vector management plan was assembled from best practices from other city landfills, and that they are exploring solar panels and moving to a LEED Silver equivalency and are committing to working on that at permit stage for building.*

*Commissioner Jensen asked if after closure of landfill, it could be added to Refuge and applicant clarified that plateau would be used for recycling, but that buffer/berm area adds lots of visual screening and plantings against the Refuge site. In response to Commissioner Kalra, stating that future technology could allow future rehab of site, applicant noted private open space identified in General Plan. Commissioner Kalra stated be good idea for Zanker facility to have a rehabilitation plan if day comes that recycling not used on site.*

*In a response to Commissioner Kamkar, staff explained usual burning of methane, but that gas is generated from remaining debris, and not much organic matter in landfill; mostly fiberglass.*

*In response to Commissioner Kamkar regarding what would happen if ownership changed, the applicant explained all levels of regulation including a future PD permit to include conditions and also State of California regulations would keep use operating as good neighbor. Commissioner Kamkar expressed concern that in future other cities could offer more to use landfill, and applicant acknowledged all landfills would experience growth in demand. Further, the applicant explained the usual wholesale system for finding end users for recycled products, but that this project proposes a small “retail type” of operation for things like recycled woodchips and crushed rock and confirmed that EIR traffic report included all uses on site.*

*In response to Commissioner Kalra, applicant explained process to get trucks to use Zanker and that access to Zanker facility is angled to orient trucks to use Zanker. In response to Commissioner Kalra regarding future implementation of Bay Trail and applicant indicated the plan is on other side of street and that Zanker facility could only help with philanthropic commitments. The applicant commented that he did not know timing of trail and staff clarified multiple trail segments are incomplete.*

*After public testimony, staff clarified that 1) the transportation analysis showed no significant impacts, 2) that accident data was investigated by DOT staff and that the fatalities were not related to the Zanker facility and that 21 of 31 area accidents occurred at the Highway 237 ramp, DOT staff clarified future vehicle totals would be within capacity of roadway, and well below ‘hazardous’ condition, and that project meets the city’s transportation policy 5-3.*

*Commissioner Zito moved certification of EIR, stating environmental impacts well described. Commissioner Kinman stated frustration over safety on Zanker Road not only for bicyclists, but for small vehicles as well, and that the project operator should work with City to improve situation at night and rainy weather, and applicant concurred. The Commission then certified the EIR.*

*Commissioner Zito expressed concern about knowing alternatives for future if the reduced project alternative were pursued. City Counsel explained no ability to require a business to contract with San José with free market basis for recycling facilities. Counsel, Commissioner Kalra, and staff explained future oversight of the Zanker facility by LEA and other jurisdictions, but not by the Planning Commission.*

*Commissioner Jensen commented that: 1) the facility should not have burn off of methane gas (should generate energy), 2) they should partner with Don Edwards Refuge for berm design, 3) they should define route from freeway to Zanker and work with DOT to better define truck route and send Refuge visitors down First Street, 4) they should pursue use of non-potable water and solar panels, 5) the City should work to continue to complete Bay Trail, and 6) concerns about safety of truck drivers, bicyclists and pedestrians be heeded as traffic increases.*

*Counsel clarified these could be suggested by Council that staff work on items at the PD Permit stage, and Commissioner Jensen moved approval.*

- 2) **PDC06-120**. Planned Development Re-zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to expand resource recovery and recycling operations, to construct an approximately 200,000 square foot materials recovery facility building and to allow 24-hour operations on a 52.5 gross acre site.

**RECOMMENDED APPROVAL (6-0-1; PLATTEN ABSENT)**

*See notes for 4.b.1.*

- c. **PDC07-003**. Planned Development Zoning to remove one existing single-family residence and construct two single-family detached residences on a 0.23 gross acre site, located on the south side of East Taylor Street, approximately 90 feet westerly of N. 20<sup>th</sup> Street (944 E. Taylor St.)(Anh-Mai Phuong Le, owner). Council District: 3. SNI: None. CEQA: Exempt. Continued from 12/05/2007. *PROJECT MANAGER, LMCMORROW*

**RECOMMENDED APPROVAL WITH CONDITIONS (4-2-1; JENSEN & KINMAN OPPOSED; PLATTEN ABSENT) 1) LIMIT THE FLOOR AREA RATIO TO 0.45, 2) REQUIRE ARCHITECTURE CONSISTENT WITH THE COMMUNITY, 3) 5-FOOT SETBACK FROM RESIDENTIAL FOR GARAGES, 4) SOLAR PHOTOVOLTAICS SHOULD GENERATE 50% OF POWER, 5) ON-DEMAND WATER HEATERS IN HOUSES**

*Staff made a brief presentation on SNI NAC meeting. Applicant made a brief statement.*

*One speaker representing the NAC stated project originally too large at six units although now reduced to two units, expressed concern about project signage, and indicated there is an issue regarding solar panels. Don Gagliardi spoke that house was 80 to 100 years old and contributes to neighborhood and asked the Commission not allow house to be demolished.*



*In response to Commissioner Kamkar about garage size, applicant noted he would work with City to confirm standard size that solar panels are required but shown as conceptual, and that new public outreach sign has been erected to show 2 units. Staff highlighted that additions to house might not be to building code and house had been significantly altered and didn't meet City's historic criteria. Commissioner Kalra stated sign was up.*

*Staff explained exemplary design for use of General Plan 2-acre discretionary policy as 1) solar panels, 2) pervious pavement, and 3) single driveway for 2 units. In response to Commissioner Zito, staff explained negotiation with applicant on exemplary benefits. Commissioner Kamkar explained interest in allowing turnaround at garages and staff noted could be worked out at the PD permit stage.*

*Commissioner Jensen expressed concern about the discrepancy over the size of lots and about the historical character of the house, and commented that exact lot size is not clear.*

*Commissioner Kinman asked for confirmation that if alternative energy is to be used, it is feasible. She asked if goal was for a LEED certified green building.*

*Staff responded that no trees are on the site to get in way of solar panels. Staff explained nature of process for recording rezoning ordinance with a legal description so that at time of final approval by City Council, exact property dimensions would be known.*

*Commissioner Zito recommended approval with requirements:*

- 1) Limit the FAR at .45*
- 2) More consistent architecture with community*
- 3) 5-foot setback from residential for garages*
- 4) Solar photovoltaics should generate 50% of power*
- 5) On-demand water heaters in houses*

*Commissioner Jensen stated she could not support the motion and again stated she was uncomfortable not knowing the exact size of lot. Staff reiterated that the size of lot not "zoned-in" and that main issue is that the lot is small enough to require use of General Plan 2-Acre rule and PD Zoning for two units.*

*Commissioner Campos suggested another deferral. Counsel explained that at 60 days the City Council could determine Commission inaction as a denial recommendation and could take action. Commissioner Zito, commented it was unclear what the Commission is asking applicant to return with. Commissioner Jensen explained her concerns about the lot size and the house designs. Commissioner Kamkar indicated that if only one new house got built, it could destroy historic house in any case, and would not require any design review. The Commission again voted on motion to approve with added conditions which passed 4-2-1, with Commissioners Jensen and Kinman against, Platten absent.*

- d. [PD07-035](#). APPEAL by the applicant of the Planning Director's decision to approve a Planned Development Permit to allow entertainment and drinking establishment uses at an existing restaurant/bar (Rosie McCann's Irish Pub Restaurant) specifically related to the hours of operation after midnight hours (until 2:00 a.m. 7 days a week) on a 1.40 gross acre site in the A(PD) Planned Development Zoning District at the northwest corner of Santana Row and Olin Avenue (355 Santana Row)(Federal Realty, Owner). Council District: 6. SNI: None. CEQA: Reuse of an EIR. *PROJECT MANAGER, S.MALLICK*



**GRANTED APPEAL WITH CONDITIONS; (6-0-1; PLATTEN ABSENT)  
2:00 A.M. THURSDAY, FRIDAY, SATURDAY, NEW YEARS' DAY,  
AND ST. PATRICK'S DAY; 1:00 A.M. SUNDAY, MONDAY, TUESDAY,  
AND WEDNESDAY. ENTERTAINMENT UNTIL HALF AN HOUR  
BEFORE CLOSING; INCLUDE A 5 YEAR TIME CONDITION;  
ALLOW STANDING PATRONS ON PATIO; NO AMPLIFIED MUSIC  
ON PATIO; NO ALCOHOL SERVICE ON PATIO AFTER 11:30 P.M.**

**DEFER TO 02-13-2008 FOR PREPARATION OF RESOLUTION.**

*Commissioner Kamkar stated he met applicant 5 years ago with small business board and clarified applicant asking for Thursday through Saturday until 2:00 a.m., entertainment until 1:30 a.m., and Sunday to Wednesday open to 1:00 a.m. with entertainment until 12:30 a.m.*

*Commissioner Zito asked applicant what level of menu could be available after hours. Applicant stated bar menu only available currently on Thursday to Saturday as too expensive, but then applicant stated full menu would be provided until closing if extended permit hours granted.*

*Manager Michael Tosey stated Management Plan based on successful operation in downtown Santa Cruz. He stated understanding the balance needed in serving alcohol to public and that Rosie's is a good owner. Chef explained that quality of food needed to compete with other uses in Santana Row. Owner's daughter/manager explained high cost of building the restaurant.*

*Officer Vanek explained the number of hours of operation had been expanded in the Planning Director's approval but explained amount of police service available on Friday, Saturday nights and that less is available other nights. He highlighted incidents occurring at Rosie McCann's that pulled police units to Santana Row in December. Police indicated that patrons and residents in Santana Row can't get full police service in the area and recommended Commission uphold original Director's decision on hours.*

*In response to Commissioner Campos, Police clarified that Police Beat is not over-concentrated by 20% for crime. The officer highlighted 40 officers on patrol in Downtown but that immediate calls are handled by Entertainment Zone Officers, not patrol, and only 5 officers outside Downtown.*

*In response to Commissioner Jensen, Police explained future Police entertainment process for determining security and that Entertainment Permit would specify number of personnel.*

*Commissioner Kamkar stated applicant picked this block in Santana Row for the potential for late night hours and should be able to open until 2:00 a.m. Commissioner Kamkar stated he didn't concur with Police statement that there aren't enough police officers and more officers should be provided or let the applicant provide more security. Commissioner Kamkar stated that there are many bars in Santana Row and not clear problems are associated with Rosie McCann's. He recommended not to uphold Director's decision on the permit, but to allow entertainment and drinking establishment use until 2:00 a.m. Thursday, Friday, Saturday and 1:00 a.m. Sunday, Monday, Tuesday, Wednesday and remove 5-year time condition.*

*Commissioner Jensen asked for clarification that since it would be consistent citywide for 5-year time condition, Commission should leave in time condition and Commission should also require full restaurant service until closing.*

*Commissioner Kamkar stated he supported all the applicant's requests, but was willing to maintain 5-year condition, with other conditions to allow standing on patio leaving central exit aisle clear. Staff commented allowing food and alcohol service on the patio through closing might not be in the spirit of the ongoing citywide sidewalk café efforts. Commissioner Zito stated that he had concerns about use of outdoor area late at night. He expressed concern about potential exiting congestion, and passing of drinks across railings. Police explained general concern facilities with entertainment should not have alcohol patio service after hours.*

*Commissioner Kamkar expressed an interest in being consistent. Commissioner Zito asked if applicant was willing to cut-off alcohol service on patio after midnight. Applicant clarified ABC license would not allow outdoor alcohol sales on patio after 11:30 p.m.*

*Commissioner Kinman stated need to deal just with issue at hand. Staff and Counsel commented that new approach for sidewalk café permits is going to be citywide, but wouldn't apply to this permit retroactively.*

*Commissioner Jensen asked police to clarify likely rules for downtown regarding alcohol and entertainment out doors on the patio. A motion to limit patio outdoor alcohol service to 10:00 p.m. failed with only Zito and Jensen supporting. Commissioner Kamkar's original motion then passed 6-0-1; Commissioner Platten absent.*

- e. **PDC06-130**. Planned Development Rezoning IP Industrial Park Zoning District to A(PD) Planning Development Zoning District for construction of up to 600 multiple dwelling units in two high-rise towers with ground floor commercial on a 6.08 gross acre site, located on the southwest corner of the intersection of Airport Parkway and Old Bayshore Highway (50 AIRPORT PKWY) (Foster Airport Pkwy LP, Owner). Council District 3. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto. *PROJECT MANAGER, C.BURTON*

**RECOMMENDED APPROVAL (5-0-2; PLATTEN AND CAMPOS ABSENT)**

*Commissioner Jensen asked for a total of how many units aggregate were approved across NSJ, and asked if future reports could contain information about status of 55+ du area versus 90 du/ac. In response to Commissioner Jensen, staff clarified that while not shown as residential area in Rincon South, site is shown as residential in NSJ plan. Staff clarified parking standards for units would include full range of units and that there would be a separate access for retail parking area. Staff indicated future reports would include ongoing total for North San José area.*

- f. **PDC07-057**. Planned Development Rezoning from the IP - Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 1,700 single-family and multi-family attached residences, 45,000 square feet of retail space, and a 5.1 acre public park on a 32.6 gross acre site, located on the northwest corner of North First Street and River Oaks Place (WTI Inc, Owner; Thompson Dorfman, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. *PROJECT MANAGER, J.BATY*

**DEFERRED TO 02-13-2008 (5-0-2; CAMPOS & PLATTEN ABSENT)**

*Staff made a brief presentation, highlighting nature of Riparian corridor and existing conditions of parking lot and buildings that are proposed to be replaced with a 5 acre public park. The applicant made a presentation indicating how project is a piece of (future) large residential neighborhood.*

*A Parks Commissioner complemented staff on its efforts but indicated configuration of park should conform to Greenprint and provide appropriate shape to allow citywide parks plan to be met, particularly a regulation soccer field with safety zones. In response to Commissioner Kinman about whether baseball diamond on adjoining property met Park Commission's goals, speaker indicated not part of project reviewed by Parks Commission. He stated the Parks Commission is in favor of 5-acre parks, but expressed concern about quality of field and since only get a couple of options for NSJ parks, should design this one to meet the need of the citywide parks plan.*

*A neighborhood resident asked for a 30-day deferral to allow more discussion on retail component. Jean Dresden express concern about the riparian corridor boundary line location given high water line from stream flow, and commented that proposed park too narrow to accommodate regulation soccer field with safety zones. Another speaker commented a deferral would allow more time to work on park design and Commission should focus on that land first.*

*The applicant explained 45,000 square feet of retail proposed to include a market and restaurants, and explained retail component in Moitoza project on the opposite side of the street, and stated project park shouldn't try to meet a rectangular sports complex design. Applicant stated they had attended every NSJ task force meeting and in response to Commissioner Kamkar, explained comments from neighbors received to date.*

*Commissioner Kalra summarized concerns about noticing and park alignment/placement of soccer field. Dave Mitchell of Parks Department stated project not formally reviewed by Parks Commission, but issue came up at meeting raised by neighborhoods. Staff indicated that together with land owned by City to be used as baseball diamond, could allow "pick up" field to slide forward to allow more safety zones and that 4 other regulation fields, lit, are proposed elsewhere in NSJ. In response to Commissioner Kalra, staff explained nature of size of soccer field proposed would be reasonable for neighborhood field but that this field would be recreational, not professional, college or competition standard. In response to Commissioner Kamkar, staff explained current standards for larger soccer fields.*

*Staff stated noticing requirements of Public Outreach Policy met, and additional community meeting not warranted given few community comments, but stated would be follow-up community meeting at PD permit stage.*

*Staff explained that a qualified biologist prepares the map of the edge of the riparian corridor under the policy and staff reviews to concur. Staff stated confidence that the riparian setback is accurately shown and project is outside the riparian corridor.*

*In response to Commissioner Kalra, biological consultant explained determination of riparian policy based on location of riparian vegetation closer to the project than top of bank and bows out in instances where the tree driplines. She explained that the native vegetation ends at the road and explained that the levee is an engineered solution to flooding and in some cases, stream can overflow the banks.*

*Commissioner Zito expressed that recent rain wasn't 100-year flood event and if water level is up on levee, should be considered in riparian. Consultant explained "defined bed and bank" and where Fish and Game has Jurisdiction, and the difference between engineered slope and stream beds. She stated that riparian policy indicated sports field should be 100-feet from top of riparian and the project meets the criteria. Staff explained existing staff*

*precedent for level maintenance roads defining the edge of riparian vegetation and commented that a unlit playing field better than existing parking lot. Commissioner Kamkar indicated he thought whole flood control channel should include levee.*

*Commissioner Jensen stated she supported report indicating riparian should include from levee and stated if field is not professional grade, it might get used less which might be better near riparian. Commissioner Kalra stated concern about conformance with NSJ policy to confirm park and school sites. Staff gave update on status of task force effort and support from school districts and stated Santa Clara School District not interested in this site for school. Staff highlighted there had been revisions to proposal to widen park area to include a non-regulation field and applicant did a plan that included 5.1 acres, more than 5 acres.*

*In response to Commissioner Zito, staff explained the task force effort on School Needs Assessment process, and stated could bring a study session forward to Commission for more explanation. Staff explained how project meets NSJ policy including park, retail, possible grocery store and some higher density. Commissioner Zito concurred there are many good points in project.*

*Commissioner Kinman expressed concern about parking ratios provided in the development standards, especially parking adjacent to the park. Staff clarified that project is proposing standard parking rates with on-street parking being extra. Staff indicated applicant's current conceptual proposal can be parked in garages except for just a couple of spaces.*

*In response to Commissioner Kamkar on height of buildings and potential for shading, staff explained that within 90-foot height limit, building likely at 65 feet, and stated it's advantageous to have park to south and west. Commissioner Kamkar suggested possible higher building with smaller footprint and more open space.*

*Commissioner Kinman asked for scheduling of additional task force meetings and other reviews and stated some residents still feel they haven't been heard. Commissioner Kinman stated big picture would be more resolved in a few weeks and could help this project determination to wait 30 days. Commissioner Jensen stated it's for the task force to address master planning issues, and shouldn't hold up project and that she now understands riparian determination.*

*Commissioner Zito commented that at late hour, he couldn't make recommendation for altered setbacks for soccer fields, etc. Commissioner Kalra stated that the Commission should provide guidance to issues to be explored. Zito commented that staff should work with applicant and community.*

*Staff responded to Commissioner Kalra that to respond to the Commission's detailed concerns a community meeting might not be the best forum, and that the Commission could make suggested changes to Development Standards.*

*A motion for 30-day continuance failed. Staff clarified that a two-week continuance would allow item to keep original Council hearing date. Zito moved for two-week deferral to allow more information on North San José Task Force effort and ability to fit full soccer field, plus safety zones, on park.*

## **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- 1) Responding to statements made or questions posed by members of the public; or
- 2) Requesting staff to report back on a matter at a subsequent meeting; or
- 3) Directing staff to place the item on a future agenda.

*NONE.*

## **6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

*NONE.*

## **7. GOOD AND WELFARE**

- a. Report from City Council

*Report given.*

- b. Commissioners' report from Committees:

- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

*Campos absent.*

- 2) Coyote Valley Specific Plan (Platten).

*Platten absent.*

- 3) Parks Funding Subcommittee (Zito).

*No report.*

- 4) Envision San José 2040 General Plan Update Process (Kamkar).

*Met Monday, 1/28/08 regarding transportation issues.*

- c. Review of synopsis for 01/16/08.

*APPROVED (5-0-2; CAMPOS & PLATTEN ABSENT)*

- d. Consider Study Session dates and/or topics.

*Move CEQA to February 27, 2008; add NSJ Task Force Results to March 12, 2008*

- e. Consider a hearing date for Monday, April 21, 2008, or Wednesday, April 16, 2008, to replace scheduled hearing date on April 23, 2008.

*Add April 21, 2008; drop April 23, 2008.*

- f. Set March 26<sup>th</sup>, April 9<sup>th</sup>, and April 21<sup>st</sup> or 16<sup>th</sup>, 2008, as General Plan Hearing Dates.

*Set General Plan Hearings for: March 26<sup>th</sup>, April 9<sup>th</sup>, and April 21<sup>st</sup>, 2008.*

## **8. ADJOURNMENT**